

REMARKS/ARGUMENTS

Initially, Applicants would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicants also acknowledge with appreciation the indication that claims 15 and 28 contain allowable subject matter, on Page 7 of the Official Action.

Upon entry of the above amendments, claim 2 will have been amended and claims 33-39 will have been added. Claims 1-39 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claims 15 and 28 under 35 U.S.C. § 112, second paragraph, because the recitations of “article” in both claims 15 and 28 lack proper antecedent basis. Without acquiescing to the propriety of the Examiner’s rejection, Applicants amended claims 15 and 28 (i.e., in the previous Response filed on November 29, 2007, which has been entered by the Examiner) in order to replace the recitation of “article” with ---articles---. Accordingly, Applicants respectfully request that the Examiner expressly withdraw the rejection of claims 15 and 28 under 35 U.S.C. § 112, second paragraph.

In the Official Action, the Examiner has rejected claims 1-14, 16-27 and 29-32 under 35 U.S.C. § 103(a) as being unpatentable over CASANOVA et al. (U.S. Patent No. 6,364,115) in view of CERNY (U.S. Patent No. 4,860,890).

Applicants respectfully traverse the Examiner’s above-noted rejection. In this regard, Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, fail to disclose the combination of elements as recited in claims 1 and 2.

In particular, claim 1 sets forth an article packaging body including: an article containing plate having a plurality of recesses configured to receive articles; a cover plate connected to the article containing plate; and a gripping plate which extends from either one of the article containing plate and the cover plate, the gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, the grips configured to be individually separable from each other, the gripping plate configured to be folded onto the article containing plate such that the articles are received in corresponding recesses.

Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, lack a proper disclosure of at least the above-noted combination of elements.

In setting forth the rejection, the Examiner asserts that CASANOVA discloses the general structure of the presently claimed article packing body. However, the Examiner acknowledges that CASANOVA does not disclose the presently claimed gripping plate (see, Page 3, Paragraph 6 of the Official Action). Nevertheless, the Examiner asserts that it would have been obvious to modify the device of CASANOVA with the purported gripping plate of CERNY in order to easily remove small batteries from a package.

Contrary to the Examiner's assertions, Applicants again submit that the Examiner has not provided any proper reasoning for the suggested modification. More specifically, Applicants submit that CASANOVA is generally directed to a battery package for preventing rotation of batteries within the package, and as such, does not even contemplate or deal with the problem of the ease by which the batteries are removed from the packaging; much less, facilitating the insertion of a battery into a small device. Further, Applicants submit that the Specification of CASANOVA (including drawings) is directed toward housing a much larger battery (e.g., "AA" and "AAA" batteries), rather than the hearing aid batteries of CERNY.

In this regard, Applicants submit that (because the disclosure of CASANOVA is directed towards relatively large batteries) there is no reason to provide the device of CASANOVA with the tabs of CERNY which are used to “ease the process of inserting small batteries into small electrical devices” (see, Column 1, lines 67 and 68).

Additionally, Applicants submit that the Examiner has not reasonably shown that the tabs of CERNY are configured or structured to support the large batteries of CASANOVA at a distal end; nor has the Examiner provided any proper reasoning for doing so.

Thus, Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, fail to disclose at least the presently claimed gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, as generally recited in independent claim 1.

Additionally, the element of CERNY which the Examiner considered to be equivalent to the presently claimed gripping plate (see, the annotated figure included on Page 4 of the Official Action dated August 9, 2007) is not configured to fold onto the element of CERNY which the Examiner considers to be equivalent to the presently claimed article containing plate. To the contrary, the element of CERNY which the Examiner considered to be equivalent to the presently claimed gripping plate is actually stationarily fixed to the portion of the device which the Examiner has identified as the article retaining plate. In fact, CERNY clearly shows that it is the cover portion which is configured to fold (see, the annotated figured on page 4 of the Official Action), i.e., so as to close the package. Thus, Applicants submit that by the Examiner’s own admission (i.e., interpretation of the references) CASANOVA and CERNY, alone or in any properly reasoned combination, fail to disclose at least the presently claimed gripping plate being configured to be folded onto the article containing plate; much less, the articles being received in

corresponding recesses.

Applicants further submit that independent claim 2, as amended, is generally somewhat similar to independent claim 1 in that it recites, inter alia, an article containing plate having a plurality of recesses configured to receive corresponding articles; a cover plate connected to the article containing plate, the cover plate having a plurality of recesses configured to receive corresponding articles; and gripping plates extending from the corresponding article containing plate and corresponding cover plate, each gripping plate being provided with a plurality of grips configured to hold corresponding articles at a distal end, the grips configured to be individually separable from each other, and the gripping plates configured to be folded onto the corresponding article containing plate and corresponding cover plate such that the articles are received in corresponding recesses of the article containing plate and cover plate.

Therefore, claim 2 is submitted to also be allowable for at least reasons generally similar to claim 1, as discussed supra.

Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 103 and allow all pending claims in the present application.

In regard to newly-added dependent claims 33 and 34, these claims generally set forth an article packaging body including, inter alia, a folding line(s) which connects the gripping plate(s) to one of the cover plate and the article containing plate, wherein the folding line(s) is configured to allow the gripping plate(s) to be folded along the folding line(s) and onto the article containing plate.

Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, do not disclose the above-noted combination of elements.

More specifically, Applicants submit that the perforation 18 of CERNY, which the Examiner considers to be equivalent to the presently claimed folding line(s), stationarily supports the handles 10 at an inclination (i.e., with respect to the cover 12 of CERNY). As a result, folding or bending the handles 10 of CERNY, i.e., along the perforation 18, will cause the handles 10 to be separated from the match-stick packaging (see, Figure 6 of CERNY).

Thus, Applicants submit that CASANOVA and CERNY do not disclose at least the presently claimed folding line(s) which connects the gripping plate(s) to one of the cover plate and the article containing plate, wherein the folding line(s) is configured to allow the gripping plate(s) to be folded along the folding line(s) and onto the article containing plate (and/or cover plate), as generally recited in claims 33 and 34.

In regard to newly-added dependent claims 35 and 36, these claim both set forth an article packaging body including, inter alia, each of the plurality of grips being provided with a reinforcing rib which reinforces a corresponding grip.

Applicants submit that CASANOVA and CERNY, alone or in any properly reasoned combination, do not disclose the above-noted combination of elements.

More specifically, the handles of CERNY 10 (which the Examiner considers to be equivalent to the presently claimed grips) are not provided with any elements or features which can be reasonable considered to be a reinforcing rib.

In regard to newly-added claims 37-39, these claims are similar to independent claims 1 and 2 in that they set forth an article packaging body including, inter alia, gripping plates configured to be folded onto the corresponding article containing plate and corresponding cover plate such that the articles are received in corresponding recesses.

Therefore, claims 37-39 are allowable for reasons generally similar to claims 1 and 2 as discussed supra.

Additionally, the applied prior art does not even contemplate the presently claimed gripping plates comprising at least two gripping plates, wherein at least one of the gripping plates has a length, in a folding direction, which is larger than a length of another of the gripping plates in a folding direction; and the at least one of the gripping plates is configured to fold clock-wise onto the cover plate and the another of the gripping plates is configured to fold counter clock-wise onto to article containing plate, as generally recited in dependent claims 38 and 39, respectively.

Thus, Applicants submit that newly-added dependent claims 33-39 are also patentable over the applied prior art.

In view of the arguments herein, Applicants submit that independent claims 1 and 2 are in condition for allowance. With regard to dependent claims 3-39, Applicants assert that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1 and 2 which Applicants have shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

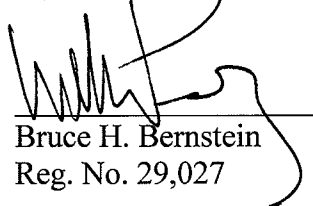
SUMMARY

Applicants submit that the present application is in condition for allowance, and respectfully request an indication to such effect. Applicants have evidenced the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicants submit that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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